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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,373

09/14/2004

Michael J. Weiss

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LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
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EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,373

Applicant(s)

WEISS ET AL.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/14/2004, 10/5/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, species a), and subspecies c) in the reply filed on 5/2/2007 is acknowledged.

Claims 7-9, and 11-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/2/2007.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least two flat mounting pins, as well as the multiple tapered tipped set screws must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 3724

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: From page 8 on, the stripper 12, is spelled striper. Page 10 is the first time the phrase "the cassette module" is used. What is the cassette module? Is it the entire apparatus? In paragraph 37, if the cassette module is the entire apparatus, why do the blades pull up after the entire apparatus is already expanded? Furthermore, on page 10, how does the stripper hold the material down and in shape? Based on the drawings it appears the material can travel the height of the lower guards before it is forcibly removed, and it does not appear the stripper therefore aids in keeping the material in shape. In paragraph 41, the tapered tipped setscrews 53 are not shown in the drawings. In paragraph 42, arrangement is misspelled arraignment.

Appropriate correction is required.

Claim Objections

4. Claims 4 and 5 are objected to because of the following informalities: Claims 4 and 5 are objected to because they both reference the use of multiple tapered tipped set screws when the elected embodiment only uses a single tapered tipped set screw.

Art Unit: 3724

Examiner is assuming that both claims refer to only a single tapered tipped set screw.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-6 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not understood what the mounting pins are. The claims make it sound like mounting pins are used as well as screws to hold the blades in place. The specification makes no mention of mounting pins. How are they used with the screws? What is the point of mounting pins if the screws already hold the blades in place and vice versa?

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al (U.S Patent No. 6,546,833), hereinafter Gifford, in view of Smithwick (U.S

Patent No. 6,209,436) and in further view of Raney et al (U.S Patent No. 6,871,571), hereinafter Raney.

Gifford teaches (see Figures 1-3) a cutter having an upper portion (25) with a blade retaining plate (78) for retaining at least one blade (80). The upper portion (25) is in sliding contact with a lower cutter portion (23). Retaining springs (60) act on and separate the two cutter portions. Furthermore, Gifford teaches that any shape die can be used with the apparatus depending on the cut needing to be made (Col. 6, lines 32-37).

Gifford teaches all of the elements of the current invention as stated above except using mounting pins to pressably securing the at least one blade in the blade retaining plate, and providing screw holes in the lower cutter portion as well as screws for securing the lower cutter portion to a press.

Smithwick teaches (see Figures 8-11) providing screw type mounting pins (24') in contact with a blade (16) for pressably securing the blade (16) in a blade retaining plate.

It would have been obvious to have modified Gifford to incorporate the teachings of Smithwick to provide screw type mounting pins in the blade retaining plate to hold the blades in place. Doing so would create a quick release mechanism for the blade retaining plate allowing a user to quickly and easily change between different blades in order to make different cuts.

Raney teaches (see Figure 6) attaching a lower cutting portion (74) to a lower support member (72) via bolts (74b).

It would have been obvious to have modified Gifford to incorporate the teachings of Raney to attach the lower cutter portion to a lower supporting member such as a press. Doing so would aid in preventing the lower cutter portion from moving in an unwanted direction during cutting.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Gifford in view of Strobel et al (U.S Patent No. 6,170,376), hereinafter Strobel.

Gifford teaches all of the elements of the current invention as stated above except the blade retaining member having an L-shaped slot for securing the blade and the blade comprising a short blade and a long blade.

Strobel teaches (see Figures 1-6) a blade retaining member (12) having an L-shaped slot (16) for holding an cutting blades arranged in an L-shape capable of performing end cutting. Furthermore, Strobel teaches (Col. 4, lines (17-22) that the slots in the board and the blades can arranged in a pattern corresponding to the shape of the blank to be cut.

It would have been obvious to have modified the modified device of Gifford to incorporate the teachings of Strobel to provide an L-shaped slot in the blade retaining member and arrange the blades correspondingly. Doing so would have allowed a user to accurately and effectively complete a cut with the cutting apparatus that required an L-shape.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to arrange the slots in the blade retainer and the blades so that there was

a long blade and a short blade because discovering the optimal length of each blade for a particular cut would have been a mere design consideration based on the length and width of the material being cut as well as the length and width of the desired product. Such a modification would have involved only routine skill in the art to accommodate the various work piece and final product requirements. It has been held that when the general conditions of a claim are met, discovering the optimal or workable ranges only involves routine skill in the art.

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Gifford, as stated in section 9.

It would have been an obvious matter of design choice to modify the modified device of Gifford by using tapered tipped setscrews to hold the blade in place, since applicant has not disclosed that having a specific type of screw solves any stated problem or is for any particular purpose and it appears that blade would be clamped equally well with the cam shaped screws found in the modified device of Gifford.

It would have been an obvious design choice to provide multiple screws to hold each blade portion in place as it has been held that duplicating parts for a multiplied effect does not constitute a patentable advance. Such a modification would have only required routine skill in the art to apply the necessary force to hold the blade sufficiently.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

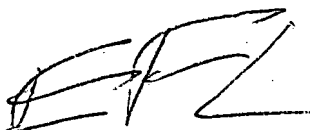
Svendsen et al (U.S Patent No. 3,464,293), Sarka et al (U.S Patent No. 3,863,550), Saunders (U.S Patent No. 3,383,969), Kammann (U.S Patent No. 5,535,655), Holliday (U.S Patent No. 5,197,367), Heiting (U.S Patent No. 4,030,390), and Carll (U.S Patent No. 2,131,801) teach elements of the current invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL
5/24/2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER